

## PROPOSED CONSTITUTIONAL AMENDMENTS

### PROPOSED CONSTITUTIONAL AMENDMENTS—DISTRICT COURTS—JURISDICTION—PROBATE MATTERS

S. J. R. No. 26

Proposing a constitutional amendment stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Article V, Section 8, Constitution of the State of Texas, be amended by adding a paragraph to read as follows:

"The district court, concurrently with the county court, shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the district court or the county court in probate matters, and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may provide that all appeals in such matters shall be to the courts of (civil) appeals."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the legislature shall have power to adopt rules

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governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals."

Adopted by the senate on May 21, 1973: Yeas 29, Nays 2; adopted by the house on May 25, 1973: Yeas 126, Nays 6.

Signed by Governor June 11, 1973.

Adopted at election held on November 6, 1973.

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## PROPOSED CONSTITUTIONAL AMENDMENTS—CITIES, TOWNS AND VILLAGES—AD VALOREM TAXES

S. J. R. No. 29

Proposing an amendment to Article XI of the Constitution of the State of Texas by adding a new Section 5(a) to said Article XI, to authorize cities, towns, and villages to levy such ad valorem taxes as are sufficient to pay the principal of and interest on their general obligations as defined herein hereafter lawfully issued; placing limitations on the amount of such general obligations; and providing for the submission of said constitutional amendment to a vote.

*Be it resolved by the Legislature of the State of Texas:*

Section 1. That Article XI of the Constitution of the State of Texas be amended by adding a new Section 5(a) to said Article XI, to read as follows:

"Sec. 5(a). Notwithstanding any other provisions of this Constitution or any home rule city charter to the contrary, each incorporated city, town, and village (hereinafter called 'municipal corporation') in this State, regardless of population, is authorized to levy and shall levy, and cause to be assessed and collected, on all taxable property within its boundaries, annual ad valorem taxes at such rate and in such amount (in addition, if required, to all other taxes authorized or permitted to be levied by municipal corporations under this Constitution), as will be sufficient to pay when due the principal of and interest on all of its bonds and other interest bearing obligations payable from ad valorem taxes (hereinafter called 'general obligations') issued after the effective date of this amendment; provided that no general obligations may be issued by a municipal corporation in an aggregate principal amount exceeding such limitations as may be established by the Legislature, and the Legislature is hereby authorized to enact such general or special laws, or both, as it shall deem appropriate to provide and establish such limitations. However, unless other or different limitations are provided by the Legislature for municipal corporations by either general or special law, or both, the limitations established by law with respect to the aggregate principal amount of bonds which may be issued by independent school districts in this State shall apply as the limitation applicable to the amount of general obligations that may be issued by municipal corporations hereunder. This amendment is self enacting."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held